

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

GEORGE SCHMIDT, MICHAEL :
THOMPSON, and JOHN JABARA, :
and JOHN DOES, similarly :
situated, :

Plaintiffs

CIVIL ACTION NO. 3:20-494

v.

(JUDGE MANNION)

IAP WORLDWIDE SERVICES, INC., :
INTERNATIONAL ASSOCIATION :
OF MACHINISTS & AEROSPACE :
WORKERS, AFL-CIO, INDUSTRIAL :
LOCAL LODGE 1717, :

Defendants

ORDER

In accordance with the court's memorandum issued this same day, **IT**
IS HEREBY ORDERED THAT:

- (1) Defendant IAP's motion to dismiss, (Doc. [14](#)), is **GRANTED**
with respect to its motion to dismiss the amended complaint
for failure to state a claim. The motion is **DENIED** with respect
the request to dismiss the amended complaint for lack of
jurisdiction.
- (2) Defendant the Union's motion to dismiss, (Doc. [23](#)), is
GRANTED with respect to its motion to dismiss the amended

complaint for failure to state a claim. With respect to the Union's request for attorneys' fees and costs, such request is **DISMISSED without prejudice**, the Union is instructed to file a separate motion for attorneys' fees and costs and attach an itemized invoice of fees and costs requested.

(3) Plaintiffs' counsel Cynthia L. Pollick's, motions to withdraw as counsel for Schmidt, (Docs. [60](#)), and for Thompson and Jabara, (Doc. [65](#)), is **Conditionally GRANTED**¹. The court will stay the case for a period of **NINETY (90) DAYS (until July 22, 2022)** in order to permit the plaintiffs to retain new counsel.

(4) The amended complaint, (Doc. [7](#)), is **DISMISSED without prejudice to plaintiffs' filing of a second amended complaint**. If new counsel is retained by plaintiffs, new counsel's filing of a second amended complaint will be due within **TWENTY-ONE (21) DAYS** from the date of new counsel's appearance, but **no later than August 12, 2022**.

¹ If no new counsel enters a timely appearance by July 22, 2022, plaintiffs' current counsel will have until **August 12, 2022**, to file a second amended complaint.

(5) Defendants' motion to strike the discovery and dispositive motion deadlines and to stay the case pending resolution of certain matters presently before the court, (Doc. [70](#)), is **GRANTED**. The court **STRIKES** the August 30, 2021 discovery deadline and the September 30, 2021 dispositive motion deadline. Upon the resolution of the matter of plaintiffs' representation, new discovery and dispositive motion deadlines shall be set.

(6) Defendant IAP's motion for summary judgment, (Doc. [71](#)), is **DISMISSED without prejudice as moot**.

(7) Defendant the Union's motion for summary judgment, (Doc. [72](#)), is **DISMISSED without prejudice as moot**.

(8) Plaintiffs' motions for an extension of time to file briefs in opposition to defendants' motions for summary judgment, (Doc. [74](#)), is **DISMISSED as moot**.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATE: April 22, 2022

20-494-02-Order